IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL WRIT PETITION NO.1015/07

Deshraj Man & Ors. **Versus** State & Ors.

DATE OF ORDER :: 06/04/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Zakir Hussain, for petitioners

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Instant petition has jointly been filed by Teachers/employees of the institution run by respondent No.5.

Their main grievance is that despite they are continuously working in Shree Marudhar Kesari Secondary School, Ranawas, Pali, their salary without any reasonable cause has been withheld from June, 2006 onwards. As alleged in the petition, this institution is 90% aided by the Government and it appears that because of some mismanagement, the State Government in exercise of its power u/s.10(1) of the Act, 1989 has suspended the Managing Committee and appointed its Administrator vide order Ann.8 dated 8th January, 2007 and by order Ann.12 dated 7th February, 2007, the Management Committee has been restored by the Government/competent authority.

Counsel for petitioners submits that in the inquiry which was undertaken by the Government, it was observed that management was not running

the institution properly and number of discrepancies were pointed out and apart from salary, other dues and facilities which they are legally entitled for, are not being paid by the Management despite the fact that they are entitled under the provisions of the Act, 1989 and their request is that Administrator may allow to continue which alone will give a smooth functioning and this impugned action of restoring Management Committee by the Government is only because of political reasons and not in the interest of institution.

Submission made by the counsel is of no substance for the reason that it is for the Government to examine as to whether Administrator is to be appointed in the aided institution or not. If in changed circumstances, if the Government considers it appropriate that the Management Committee is to be restored back unless any malice is imputed or action is per se arbitrary or without authority of law. In the absence whereof, such decision is not required to be interfered with in writ jurisdiction of this court under Article 226 of the Constitution.

Submission made by counsel with respect to their due salary which has not been paid by the institution. In my considered opinion, such grievance can always be raised by filing application under the Act, 1989 which provides a statutory efficacious remedy to petitioners.

Consequently, I find no force in the writ petition, the same stands dismissed. However, petitioners will be at liberty to raise their grievance by filing application under the Act, 1989.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.